

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Name: Miroyon Michael **FILED**
 (Last) (First) (Middle Initial)

Prisoner Number: A# 211; Bkg# 15048913 FEB 26 2016

Institutional Address: 40 Elmwood Jail; 701 S. Abel St. SUSAN Y. SOONG
Milpitas, CA. 95035-5243 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Michael Miroyan
 (Enter your full name.)

vs.

Judge Stephen Manley
Francis Cole Attorney And
John Does 1-30
 (Enter the full name(s) of the defendant(s) in this action.)

CV16

Case No. **958**
 (Provided by the clerk upon filing)

**COMPLAINT UNDER THE
 CIVIL RIGHTS ACT,
 42 U.S.C. § 1983**

I. Exhaustion of Administrative Remedies. *N/A. This Lawsuit is against A superior court Judge & AN ATTORNEY who is violating my civil rights.*
Note: You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.

A. Place of present confinement Elmwood Jail, Milpitas, CA

B. Is there a grievance procedure in this institution? YES ☒ NO ☐ N/A

C. If so, did you present the facts in your complaint for review through the grievance procedure? YES ☐ NO ☒ N/A

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue any available level of appeal, explain why.

1. Informal appeal: Not applicable because the form I'm using is all I have and it's not against an Institution its against A superior court judge in San Jose, CA. AND AN ATTORNEY Involving civil rights abuses.

PRISONER COMPLAINT (rev. 8/2015)

Page 1 of 3 civil rights Lawsuit
Against state Actors AND AN ATTORNEY

2. First formal level: N/A see D1

3. Second formal level: N/A see D1

4. Third formal level: N/A see D1

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ☐ NO ☐ N/A

F. If you did not present your claim for review through the grievance procedure, explain why.

This Action is against a superior Court judge Stephen Manley who for a variety of reasons is violating my civil rights and who has conflict of interest and more AND A CA. Licensed Attorney

II. Parties.

A. Write your name and present address. Do the same for additional plaintiffs, if any.

Michael Miroyan Att 211; Elmwood Jail
701 So. Abel St
Milpitas, CA 95035-5243

B. For each defendant, provide full name, official position and place of employment.

① The Honorable Stephen Manley, superior court
Judge @ "Drug Court"

115 Terraine St. Dept. 64

San Jose, CA 95110

② Francis Cole attorney Third St. San Jose, Ca. *

* Plaintiff has no access to phone books, addresses, etc at the Elmwood Jail - nor to his personal papers or his contact list.

See synopsis of claim - Addendum "OMG"
+ Declaration A

III. Statement of Claim.

State briefly the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

1 Judge Manley Allowed Francis Cole An Attorney I had never met, come into my court cases* under the guise of Representing me on behalf of my 2 brothers, peter and Robert Mirayan; Frank cole then filed A Restraining order on behalf of the 2 brothers and continued to represent me in Manley's Court. Cole deterred Ingo Brauer from representing me after he was paid to do so and so did Judge Manley between July 2015- Sept. 2015.

2 Judge Manley declared me mentally ill in open court and ordered me to take psyche meds in jail or he wouldn't release me in Aug of 2015. Judge Manley practices medicine w/out a license.

3 See Declaration A, OMG; cruel, unusual punishment 4 false imprisonment and collusion w/ Attorney Frank Cole, Mirayan brothers and others to be named more \$12 million dollars - I demand a jury trial.

IV. Relief.

Your complaint must include a request for specific relief. State briefly exactly what you want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.

1 I request injunctive and declaratory relief from judge Manley; I request a hearing on his vindictiveness; his conflicts of interest, the lack of due process in his "Mental Health" court room; I request A TRIAL FOR MONETARY DAMAGES for false imprisonment as to how he's kept me incarcerated for (see Declaration I)

Months for MISDEMEANORS → CASE# C1525231 S. CLARKE, plus civil rights violations; collusion; fraud; all the above + mentioned in my declarations A + "OMG"

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on:

2/18/16

Date

Signature of Plaintiff

Michael Mirayan

A plaintiff has only a pencil at the Elmwood Jail with which to file his pleadings; Manley controls 3 felony cases C1230059, C1234006; C1354149 all Santa Clara County began custody 9-30-14, C1525231 (see enclosed list of cases)

M. Miroyan incarcerated since 11/23/15 w/ bail at \$15,000 but not allowed to post bail; MANLEY orders "NO BAIL ALLOWED"

MIROYAN, MICHAEL 15048913/ ATT211

TODAY'S Date: 2/18/16 Bivens Action

DATE of INCARCERATION

CASE # C1525231

11/23/15

NEXT COURT DATE: 02/05/16 AT 130 IN DEPT 42

HS 11377(A), HS 11550(A), HS 11364, PC 148.9, VC 14601.2(A), VC 23222(B)

BAIL: \$15,000.00

*Judge CENA
Transcript of
2/5/11
requested*

CASE # C1234006

NEXT COURT DATE: 01/19/16 AT 900 IN DEPT 64

MANLEY

HS 11360(A), HS 11550(A), HS 11364.1

BAIL: NO BAIL ALLOWED

CASE # C1230059

NEXT COURT DATE: 1/19/16 AT 900 IN DEPT 64

MANLEY

HS 11377(A), HS 11550(A), VC 23152(A), HS 11364.1, HS 11357(B)

BAIL: \$20,000.00

CASE # C1493736

NEXT COURT DATE: 1/19/16 AT 900 IN DEPT 64

MANLEY

PC 148.9(A)

BAIL: \$20,000.00

CASE # C1490995

NEXT COURT DATE: 1/19/16 AT 900 IN DEPT 64

MANLEY

PC 484/488

BAIL: \$20,000.00

CASE # C1354149

NEXT COURT DATE: 1/19/16 AT 900 IN DEPT 64

MANLEY

HS 11377(A), HS 11550(A), HS 11357(B), HS 11364.1

BAIL: \$20,000.00

*I swear under penalty of perjury
of the laws of State of Calif. that which I've
written in pencil on this 1 page is all true.
2/18/16 *Manley*
*Miroyan**

2/18/16 Addendum "OMB"
Statement of claim Synopsis

Bullet point format - See Declarations of
 Michael Miroyan A+B

Declaration "OMB" by Michael Miroyan in support of

* Manley violates: of clause 3 U.S. Const. Oath of office Bivens
2/18/16

* Manley violates: 1st Amendment freedom of speech & petition for A
 Redress of Grievances & Timelines there of; Plaintiff Miroyan's
 pleadings ARE being destroyed by the Clerk's office at Terrance St.

* Manley & Cole violated: 6th Amendment rights by denying the right
 to confront my witnesses believing they were probation officers instead it's
 the Judge Manley + IAC malpractice conflicts collusion fraud conspiracy to deprive
 me of the due process of law. Cole's conflict; malpractice taking \$

from 2 clients simultaneously; actual conflict yet Manley Approves

* Manley violates Amendment 8: No bail allowed, excessive punishment,
 cruel & unusual punishment. "NBA" by MANLEY (see printout of charges)

On 1/29/16 Manley removed Plaintiff from Dept. 64, then sealed the transcript to

Manley violates Amendment XIII involuntary servitude w/o me being ^{protect}
 convicted of a crime in case #
C1234006

* Manley & Cole violated: Amendment V deprived me of liberty, life of
 freedom & As a result, Loss of property without due process of Law for a variety
 of reasons and his actions are crimes and unlawful acts.

* Both Manley & Cole violate Amendments XIV by ① depriving me of
 life denial of due process of Law; ② Liberty and property by abridgment of
 privilege of us citizens; denial of equal probation under the law;
 Deprivation of life, liberty and property w/o due process of law
 and denial of my right to equal protection of the Laws!

I swear under penalty of perjury of the laws
 of the great state of California all the above is true.

M. Miroyan 2/18/16
 M. Miroyan

TW

DISTRIBUTION: ORIGINAL - FILE, GREEN - DOC, BLUE - CJIC / DOR PURPLE - PROBATION, BROWN - DEFENDANT

2/18/16

Declaration A of Michael Miroyan
in support of Civil Rights Violations filed
w/ the NDCA Federal Court via mail
on 2/18/16

① Judge Stephen V. Manley ("Manley") is not a Calif. Licensed Doctor yet he has declared Plaintiff Miroyan ("M") mentally ill and demanded he take psyche meds in jail or he would not release him (July 2015 -)

Plaintiff, who is in jail for misdemeanors since 11-23-15 and who has a \$15,000 scheduled bail but who is not allowed to bail due to Manley's vindictive and unwarranted 'NBA' hold, recently has refused to take psyche meds anymore.

② Upon Plaintiff's Marsden Motion on 1/29/16 and the discussion of #1 above, Manley had M removed from the Court after only 12 minutes. then when he was out of Court, Manley on his own motion sealed, in an illegal act of cowardice, the transcript and Plaintiff's words therein in a desperate act to protect himself.

③ Plaintiff never gets to speak in Court; if he does Manley has M removed every time denial of 1st Amendment Rights

④ Manley is a member at La Rinconada Country Club and hides his membership and presides over M's garden variety drug possession cases viciously w/o disclosing his conflict of knowing M's 2 brothers, 1 of which Robert sits on the Board. Judge Mark Pierce properly recuses himself from M's cases. The 2 M Bros filed a restraining order by Francis Cole, atty while Cole simultaneously represented Plaintiff in Manley's Court and Manley allowed him to continue to do so. I swear under penalty of perjury that the above is true. 2/18/16 Michael Miroyan